

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

RODNEY MCINTOSH,

Petitioner,

v.

JAY CASSADY,

Respondent.

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No. 4:14CV1426 ERW

MEMORANDUM AND ORDER

This matter comes before the Court on the Order and Recommendation of the United States Magistrate Judge Abbie Crites-Leoni [27], pursuant to 28 U.S.C. § 636(b).

The Court notes no objections were filed to the Order and Recommendation within the time period afforded by 28 U.S.C. § 636(b). The Court has considered the Order and Recommendation, and hereby sustains, adopts, and incorporates herein the Magistrate's Order and Recommendation in its entirety. The Magistrate's decision denying Petitioner Rodney McIntosh's Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254 is affirmed.

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED and DECREED that Petitioner's Petition for Writ of Habeas Corpus [1] is **DENIED**.

IT IS FURTHER ORDERED that Petitioner's Motion for Leave to Appeal in Forma Pauperis [32] is **MOOT** because no Certificate of Appealability will issue.

Dated this 18th Day of October, 2017.



E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE